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PLEASE REPLY TO ROSELAND, NJ

February 13, 2013

Hon. Joseph A. Dickson, U.S.M.J.
United States District Court
Martin Luther King Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Hon. Patty Schwartz, U.S.M.J.
United States District Court
Martin Luther King Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: North Jersey Surgery Center v. Horizon, et al
Case No.: 2:12-cv-06787-DMC-JAD

North Jersey Surgery Center v. Horizon, et al
Case No.: 2:12-cv-06998-KSH-PS

Dear Judge Dickson and Judge Schwartz:

This office represents defendant, Horizon, in the above referenced matters. We write to advise of a docketing issues with the hopes of resolving the same prior to the conducting of Rule 16 conferences.

Hon. Joseph A. Dickson, U.S.M.J.
February 13, 2013
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Specifically, North Jersey Surgery Center filed individually and a/s/o Roseann Dawson in the Law Division of Bergen County naming both Horizon and Painters District Counsel No. 711 ("Painters") as defendants. Apparently, as neither defendant was aware of the existence of counsel for the other, both Horizon and Painters separately filed for removal of the Bergen County action to the District Court. The filing by Painters was removed and assigned Case No. 2:12-cv-06787-DMC-JAD. The filing by Horizon was removed and assigned Case No. 2:12-cv-06998-KSH-PS.

The case assigned to Judge Schwartz is scheduled for a Rule 16 conference on Friday, February 15, 2013. The case assigned to Judge Dickson is scheduled for a Rule 16 conference on Tuesday, February 19, 2013. In the interest of avoiding two separate Rule 16 conferences with two separate scheduling orders for the same case, we are seeking Your Honors' guidance on how to proceed.

We respectfully submit the two dockets be administratively consolidated under the older docket No. 2:12-cv-06787-DMC-JAD with the Rule 16 conference to remain scheduled for Tuesday, February 19, 2013 before Judge Dickson. Obviously, we will proceed forward in which ever manner Your Honors deem appropriate.

We apologize for any confusion caused by the separate filings. Should Your Honors or any member of your staff have any questions or concerns, please do not hesitate to call.

Respectfully submitted,



Christopher Abatemarco

CA/amc